



**PATENT**  
Attorney Docket No. ASC-044C1

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANT: Fitzgerald *et al.*

SERIAL NUMBER: 10/611,739 GROUP NUMBER: 2818

FILING DATE: July 1, 2003 EXAMINER: Dung Anh Le

TITLE: METHOD OF FABRICATING CMOS INVERTER AND  
INTEGRATED CIRCUITS UTILIZING STRAINED SILICON  
SURFACE CHANNEL MOSFETS

**Terminal Disclaimer**

I, Bryan Lord, state that I am a representative authorized to sign on behalf of AmberWave Systems Corporation, identified below as the assignee of the entire right, title and interest in and to the above-identified patent application, U.S. Serial No. 10/611,739. I have reviewed all the evidentiary documents accompanying or referred to in the instant Terminal Disclaimer and certify that, to the best of my knowledge and belief, title to the above-identified application is in the name of AmberWave Systems Corporation.

AmberWave Systems Corporation of 13 Garabedian Drive, Salem, NH 03079 is the assignee of the entire right, title and interest in and to the above-identified application, 10/611,739, by virtue of the Assignment signed by the inventors in November 2003, and recorded in the U.S. Patent and Trademark Office on July 1, 2003 at Reel No. 014251 and Frame No. 0858. The copy of the Notice of Recordation of Assignment and related papers are attached hereto.

AmberWave Systems Corporation hereby waives and disclaims the terminal part of any patent granted on the above-identified application which would extend beyond the full statutory term (which may be longer than seventeen (17) years) of U.S. Patent No. 6,649,680, issued November 18, 2003, and hereby agrees that any patent so granted on U.S. Serial No. 10/611,739 shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent No. 6,649,680, issued November 18, 2003, this agreement to run with any patent granted on the U.S. Serial No. 10/611,739 and to be binding upon the Assignee, its successors or assigns.

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05/06/2004 AWONDAF1 00000042 10611739

02 FC:1814

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AmberWave Systems Corporation does not disclaim any terminal part of the term of patent granted on the above-identified application U.S. Serial No. 10/611,739 prior to the expiration date of the full statutory term of U.S. Patent No. 6,649,680, issued November 18, 2003, in the event that U.S. Patent No. 6,649,680 expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole, or terminally disclaimed under 37 C.F.R. 1.321(a), has all claims canceled by a re-examination certificate, or is otherwise terminated prior to expiration of its statutory term as presently shortened by any terminal disclaimer, if any, except for the separation of legal title stated above.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made in the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

AMBERWAVE SYSTEMS CORPORATION

By 

Name Bryan Lord

Title Secretary

Date March 24, 2004